IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1105 OF 1990

M/s Electronics Corpn.of India Ltd.. Petitioners

vs

Union of India & anr ... Respondents

Mr.Hemang Engineer i/b Gordhandas & Fozdar & Co for Petitioners
Ms.S.V.Bharucha for Respondents

CORAM : Dr.S.Radhakrishnan
and V.C.Daga, JJ

DATE : 27th June, 2007
P.C.

1. Heard learned counsel for the petitioners and respondents.

2. By this petition, the petitioner is seeking refund of Rs.3,23,461/- along with interest from the date of recovery i.e.25th September, 1986 till payment. The above petition has been lodged on 28th February, 1990 i.e. after a lapse of more three years. In view thereof, even by way of a suit, the petitioner will not be able to claim the same. Over and above, in view of the judgment in Mafatlal vs Union of India 1989 ELT 247 S.C. such a petition for refund is not maintainable. Hence, rule stands discharged.

(V.C.Daga, J) (Dr.S.Radhakrishnan, J)